

MICHAEL MCKENZIE, individually and
doing business as AMERICAN IMAGE ART,
an unincorporated dba,

Plaintiff,

v.

JAMES W. BRANNAN, as personal
representative of THE ESTATE OF ROBERT
INDIANA, and AARON M. FREY, only in his
official capacity as Attorney General of the
State of Maine

Defendants.

Defendant Aaron M. Frey in his capacity as Attorney General of the State of Maine (“Attorney General”) responds as follows to Defendant Brannan’s Motion *in Limine* to Exclude Evidence about Any Alleged Forgery of Artwork or Discussions About Robert Indiana Signing Artwork. (Doc. 119). The Attorney General supports the Motion and agrees that evidence about alleged forgery or Indiana’s signatures has no relevance to the issues in this case (the enforceability of a term sheet between the Estate of Robert Indiana and the Plaintiff) and should be excluded. To the extent Plaintiff asserts that such evidence is relevant to the Attorney General’s affirmative defenses, the Attorney General has explicitly informed Plaintiff that he is not intending to press forgery-related issues. In an email from counsel for the Attorney General

to counsel for the Plaintiff and copying counsel for Defendant Brannan, dated July 7, 2022, the Attorney General wrote:

Please be advised that the Attorney General is limiting the issues raised by our affirmative defenses to issues relating to the Star of Hope's lack of input into the Binding Term Sheet and that the Binding Term Sheet is not in the best interest of the Star of Hope. We will not be alleging that Mr. McKenzie appears to have forged Indiana artwork, or that he exploited Indiana art for commercial purposes, or that Mr. McKenzie has had a deleterious effect on the Indiana market and reputation. I am informing you of this more limited scope than was described in the AG interrogatory responses of February 10, 2022, so that you can plan your witnesses and exhibits accordingly. I'm wondering whether this may, for example, obviate the need for you to call Mr. Thomas.

The Attorney General can provide a copy of the email upon request.

AARON M. FREY
ATTORNEY GENERAL OF THE
STATE OF MAINE

DATED: July 14, 2022

/s/ Christina M. Moylan
Christina M. Moylan
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Tel. (207) 626-8800
christina.moylan@maine.gov

Counsel for Attorney General Aaron M. Frey

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, I electronically filed Defendant Attorney General's Response to Defendant Brannan's Motion *in Limine* to Exclude Evidence about any Alleged Forgery of Artwork or Discussions about Robert Indiana Signing Artwork using the CM/ECF system, which will send notification of such filing(s) to all counsel of record.

/s/ Christina M. Moylan

Christina M. Moylan